

MEMORANDUM

Agenda Item No. 11(A)(19)

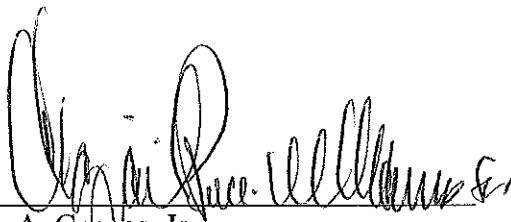
TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: January 23, 2013

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to amend state law
to permit local registration of
privately-owned firearms

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.


R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: January 23, 2013

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(A)(19)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(19)
1-23-13

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
AMEND STATE LAW TO PERMIT LOCAL REGISTRATION
OF PRIVATELY-OWNED FIREARMS

WHEREAS, on Friday, December 14, 2012, a gunman opened fire at Sandy Hook Elementary School in Newtown, Connecticut, killing 20 children and 6 adults; and

WHEREAS, the gunman used a number of semi-automatic weapons, including a Bushmaster .223 rifle, a 10 mm Glock handgun, and a 9 mm SIG Sauer handgun; and

WHEREAS, these firearms, as well as other weapons recovered in the car and home of the gunman, belonged to the gunman's mother, who was also killed that day; and

WHEREAS, this incident came on the heels of another shooting rampage at an Oregon mall where a gunman killed two people and injured one with an AR-15 assault rifle; and

WHEREAS, in what has been described as the worst mass shooting in U.S. history, in July, 2012, a gunman opened fire in a crowded movie theatre in Aurora, Colorado with an AR-15 assault rifle with a 100-round magazine, killing 12 people and injuring another 59 people; and

WHEREAS, so far in 2012, there have been 10 deaths in Miami-Dade County with the use of assault weapons, according to the Miami-Dade Police Department; and

WHEREAS, these incidents and statistics indicate that there is a need to identify and track the number of firearms in our community; and

WHEREAS, the Florida Legislature has found and declared that a registry of privately owned firearms is not a law enforcement tool, may become an instrument for harassing law abiding citizens for their choice to own a firearm as guaranteed by the Constitution, and could have a detrimental effect if the list fell into the wrong hands as it could become a list of targets for thieves; and

WHEREAS, currently, Florida law (Section 790.355, Florida Statutes) prohibits any state governmental agency, local government, or person to keep a list, record or registry of privately owned firearms, with some narrow exceptions; and

WHEREAS, any person or entity that violates Section 790.355, Florida Statutes, commits a third degree felony, punishable by up to five years in prison, and may be assessed a fine of up to \$5 million,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to amend Florida law to permit local registration of privately owned firearms.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker and the Chair and Members of the Miami-Dade County State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the legislation set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2013 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Jean Monestime
Sen. Javier D. Souto
Juan C. Zapata

Esteban L. Bovo, Jr.
Audrey M. Edmonson
Barbara J. Jordan
Dennis C. Moss
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of January, 2013. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

APW/GBK

Geri Bonzon-Keenan